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JANUARY 23, 2021 BY RONNIE

Bill C-11: Digital Charter Implementation Act Of Canada

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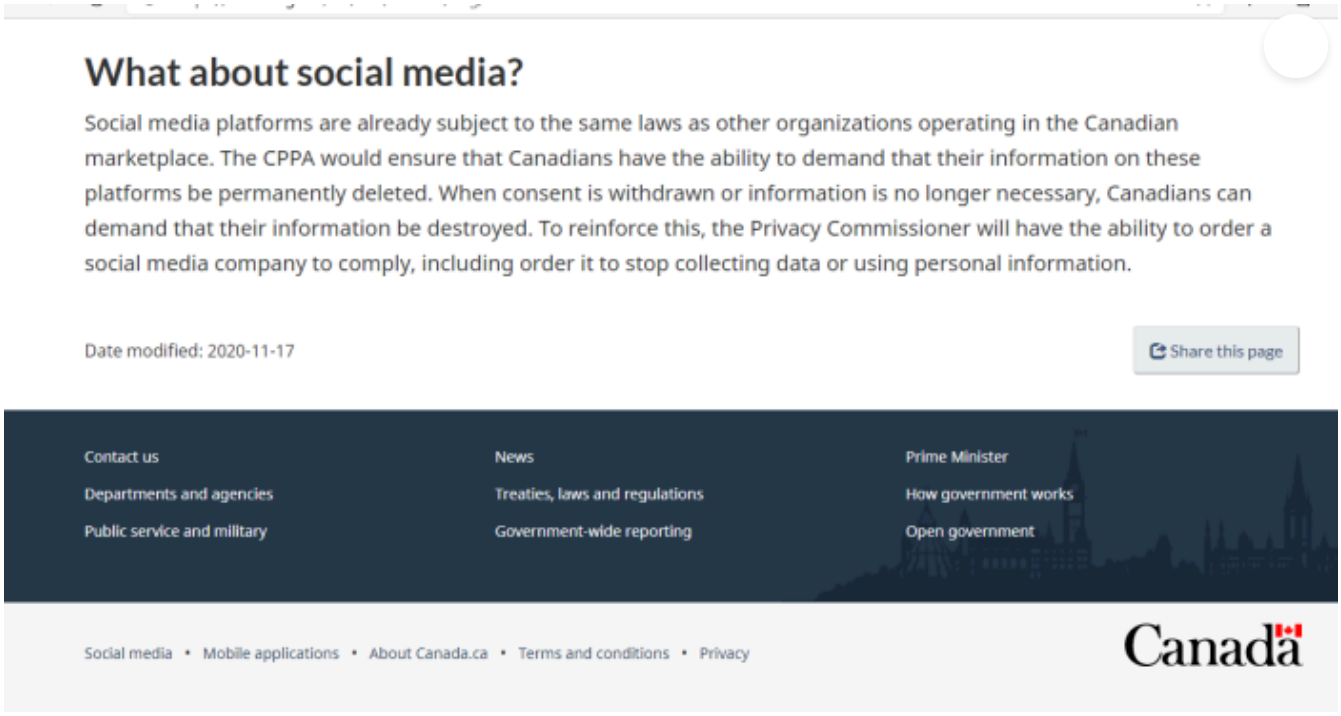
Innovation for a better Canada
Canada's Digital Charter
Fact Sheet: Digital Charter Implementation Act, 2020
Through the proposed Digital Charter Implementation Act, 2020 (DCIA), the Government of Canada intends to establish a new privacy law for the private sector, the Consumer Privacy Protection Act (CPPA). If passed, the DCIA would significantly increase protections to Canadians' personal information by giving Canadians more control and greater transparency when companies handle their personal information. The DCIA would also provide significant new consequences for non-compliance with the law, including steep fines for violations.
What does the Digital Charter Implementation Act, 2020 mean for me?
Meaningful consent: Modernized consent rules would ensure that individuals have the plain-language information they need to make meaningful choices about the use of their personal information.

Remember that proposed Digital Charter from 2019, in response to a shooting in New Zealand? Well, it's finally come to Canada. Also, this sounds silly, but is DCIA a euphamism for "Dee CIA".

Digital Charter Bait-And-Switch

Originally, the proposed “Digital Charter” was formed as part of the Christchurch Call, in response to a mass shooting in New Zealand on March 15, 2019. This was promoted as fighting violent extremism. However, the DC Implementation Act seems to be much more broadly applied.

Pitching The Digital Charter Implementation Act


What about social media?
Social media platforms are already subject to the same laws as other organizations operating in the Canadian marketplace. The CPPA would ensure that Canadians have the ability to demand that their information on these platforms be permanently deleted. When consent is withdrawn or information is no longer necessary, Canadians can demand that their information be destroyed. To reinforce this, the Privacy Commissioner will have the ability to order a social media company to comply, including order it to stop collecting data or using personal information.
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What does the Digital Charter Implementation Act, 2020 mean for me?

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[A] Meaningful consent: Modernized consent rules would ensure that individuals have the plain-language information they need to make meaningful choices about the use of their personal information.

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[B] Data mobility: To further improve their control, individuals would have the right to direct the transfer of their personal information from one organization to another. For example, individuals could direct their bank to share their personal information with another financial institution.

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[C] Disposal of personal information and withdrawal of consent: The accessibility of information online makes it hard for individuals to control their online identity. The legislation would allow individuals to request that organizations dispose of personal information and, in most cases, permit individuals to withdraw consent for the use of their information.

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[D] Algorithmic transparency: The CPPA contains new transparency requirements that apply to automated decision-making systems like algorithms and artificial intelligence. Businesses would have to be transparent about how they use such systems to make significant predictions, recommendations or decisions about individuals. Individuals would also have the right to request that businesses explain how a prediction, recommendation or decision was made by an automated decision-making system and explain how the information was

obtained.

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[E] De-identified information: The practice of removing direct identifiers (such as a name) from personal information is becoming increasingly common, but the rules that govern how this information is then used are not clear. The legislation will clarify that this information must be protected and that it can be used without an individual's consent only under certain circumstances.

All of these items sound perfectly reasonable on the surface. Who ***WOULDN'T*** want greater privacy and transparency? Reading a bit further on the webpage, it becomes a bit concerning.

Simplifying consent: In the digital economy, the use of personal information is often core to the delivery of a product or service, and consumers can reasonably expect that their information will be used for this purpose. ***Currently, organizations are required to seek consent for such uses***, making privacy policies longer and less accessible and creating burden. The ***legislation would remove the burden of having to obtain consent*** when that consent does not provide any meaningful privacy protection.

Data for good: ***Greater data sharing and access between the public and private sectors*** can help to solve some of our most important challenges in fields such as ***public health, infrastructure and environmental protection***. The legislation would allow businesses to disclose de-identified data to public entities (under certain circumstances) for socially beneficial purposes.

Recognition of codes of practice and certification systems: To help organizations understand their obligations under the CPPA and demonstrate compliance, the legislation ***would allow organizations to ask the Privacy Commissioner to approve codes of practice and certification systems that set out rules for how the CPPA applies in certain activities***, sectors or business models.

So the requirement to obtain consent can be removed if the consent "would not provide any meaningful privacy protection"? What standards would be applied to determine if it's

meaningful? Or would it all be subjective?

Greater sharing of data between public and private sectors? Such as what? Bank records? Health information? Political beliefs? And coupled with watering down the need for consent, that's unsettling.

It would allow also allow for private organizations to contact the Privacy Commissioner and ask to have certain practices permitted. Interesting.

Digital Charter IA Guts Privacy

LEGISinfo
Introduction | FAQ
House Government Bill
XML Download XML Sc
43rd Parliament, 2nd Session
September 23, 2020 - Present
Navigate Bills
C-11
An Act to enact the Consumer Privacy Protection Act and the Personal Information and Data Protection Tribunal Act and to make consequential and related amendments to other Acts
Short Title
Digital Charter Implementation Act, 2020
Sponsor
Minister of Innovation, Science and Industry
Text of the Bill
Latest Publication
All Published Versions

Exceptions to Requirement for Consent
Business Operations
Business activities
18 (1) An ***organization may collect or use an individual's personal information without their knowledge or consent*** if the collection or use is made for a business activity described in subsection (2) and
(a) a reasonable person would expect such a collection or use for that activity; and
(b) the personal information is not collected or used for the purpose of influencing the individual's behaviour or decisions.

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List of activities
(2) Subject to the regulations, the following activities are business activities for the purpose of subsection (1):
(a) an activity that is necessary to provide or deliver a product or service that the individual has requested from the organization;
(b) an activity that is carried out ***in the exercise of due diligence to prevent or reduce the organization's commercial risk***;
(c) an activity that is ***necessary for the organization's information, system or network security***;
(d) an activity that is ***necessary for the safety of a product or service that the organization provides or delivers***;
(e) an ***activity in the course of which obtaining the individual's consent would be impracticable*** because the organization does not have a ***direct relationship with the individual***; and
(f) ***any other prescribed activity.***
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Transfer to service provider
19 An ***organization may transfer an individual's personal information to a service provider*** without their knowledge or consent.
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De-identification of personal information
20 An organization may use an individual's personal information without their knowledge or consent to de-identify the information.
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Research and development
21 An organization may use an individual's personal information ***without their knowledge or consent*** for the organization's internal research and development purposes, if the information is de-identified before it is used.

Think that's bad? It's about to get even worse. More exceptions to the requirement for consent are written into Bill C-11. It's like the Do-Not-Call lists about 15-20 years ago. Is there anything that doesn't make the list of exceptions?

Information produced in employment, business or profession
23 An organization may collect, use or disclose an ***individual's personal information***

> ***without their knowledge or consent if it was produced by the individual in the course of their employment, business or profession and the collection***, use or disclosure is consistent with the purposes for which the information was produced.
>
> .
>
> Employment relationship — federal work, undertaking or business
>
> 24 An organization that operates a federal, work or business may collect, use or disclose an individual's personal information without their consent if
>
> (a) the collection, use or disclosure is necessary to establish, manage or terminate an employment relationship between the organization and the individual in connection with the operation of a federal work, undertaking or business; and
>
> (b) the ***organization has informed the individual that the personal information will be or may be collected, used or disclosed for those purposes***.
>
> .
>
> Disclosure to lawyer or notary
>
> 25 An organization may ***disclose an individual's personal information without their knowledge or consent to a lawyer*** or, in Quebec, a lawyer or notary, who is representing the organization.

How is any of this fighting violent extremism?

An organization can share a person's personal information –without their knowledge or consent — if they deem it necessary for their business functions. They can also share the data of 3rd parties, if they don't have a direct business relationship with that person.

Organizations can provide (sell?) data to research and marketing firms, with the caveat being that items that would identify a person must be removed. However, even with that, people can be re-identified from partial profiles.

Employers and Governments can also share a person's private information without their knowledge or consent if it's regarded as needed in their business operations. What else?

> Statistical or scholarly study or research
>
> 35 An organization may disclose an individual's personal information ***without their knowledge or consent*** if
>
> (a) the disclosure is made for ***statistical purposes or for scholarly study or research purposes*** and those purposes cannot be achieved without disclosing the information;
>
> (b) it is ***impracticable to obtain consent***; and

(c) the organization informs the Commissioner of the disclosure before the information is disclosed.

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Records of historic or archival importance

36 An organization may disclose an individual's personal information ***without their knowledge or consent*** to an institution whose functions include the conservation of records of historic or archival importance, if the disclosure is made for the purpose of such conservation.

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Disclosure after period of time

37 An organization may disclose an individual's personal information ***without their knowledge or consent after the earlier of***

(a) 100 years after the record containing the information was created, and

(b) 20 years after the death of the individual.

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Journalistic, artistic or literary purposes

38 An organization may collect an individual's personal information ***without their knowledge or consent*** if the collection is solely for journalistic, artistic or literary purposes.

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Socially beneficial purposes

39 (1) An organization may disclose an individual's personal information without their knowledge or consent if

(a) the personal information is de-identified before the disclosure is made;

(b) the disclosure is made to

(i) a government institution or part of a government institution in Canada,

(ii) a ***health care institution, post-secondary educational institution or public library*** in Canada,

(iii) any organization that is mandated, under a federal or provincial law or by contract with a government institution or part of a government institution in Canada, to carry out a socially beneficial purpose, or

(iv) ***any other prescribed entity***; and

(c) the disclosure is made for a ***socially beneficial purpose.***

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Definition of socially beneficial purpose

(2) For the purpose of this section, socially beneficial purpose means a purpose related to

> health, the provision or improvement of public amenities or infrastructure, the protection of the environment or any other prescribed purpose.

As long as it's claimed that the information was needed for research, historical work, some vaguely-defined social benefit, personal information can be disclosed without the person's knowledge or consent. They do mention stripping the information from details that would lead to the identity of the person, but it's still easy to reestablish who it was.

"Impractical to obtain consent" refers to companies disclosing person data not of ***THEIR*** customers, but the customers of other people. In fact, an obvious loophole is not to do any of this yourself, but simply to partner with another organization who can do the dirty work.

And after 20 years after a person's death, information can be disclosed anyway. No reason or pretense is needed to pretend to justify it.

Now we get to disclosures to Government Institutions. Presumably, this was the original content considered with the Digital Charter.

DCIA: Disclosure To Government Institutions

BILL C-11
If you have any questions or comments regarding the accessibility of this publication, please contact us at accessible@parl.gc
First Reading
Second Session, Forty-third Parliament,
69 Elizabeth II, 2020
HOUSE OF COMMONS OF CANADA
BILL C-11
An Act to enact the Consumer Privacy Protection Act and the Personal Information and Data

Disclosures to Government Institutions

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Administering law

43 An organization may disclose an individual's personal information ***without their knowledge or consent*** to a government institution or part of a government institution that ***has made a request for the information, identified its lawful authority to obtain the information and indicated that the disclosure*** is requested for the purpose of administering federal or provincial law.

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Law enforcement — request of government institution

44 An organization may disclose an individual's personal information ***without their knowledge or consent*** to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that the disclosure is requested for the purpose of ***enforcing federal or provincial law or law of a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law***.

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Contravention of law — initiative of organization

45 An organization ***may on its own initiative disclose an individual's personal information without their knowledge or consent*** to a government institution or a part of a government institution if the organization has reasonable grounds to ***believe that the information relates to a contravention of federal or provincial law or law of a foreign jurisdiction that has been, is being or is about to be committed***.

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Proceeds of Crime (Money Laundering) and Terrorist Financing Act

46 An ***organization may disclose an individual's personal information without their knowledge or consent*** to the government institution referred to in section 7 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act as required by that section.

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Request by government institution — national security, defence or international affairs

47 (1) An organization may disclose an individual's personal information without their knowledge or consent to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that ***it suspects that the information relates to national***

security, the defence of Canada or the conduct of international affairs.

Collection

(2) An organization may collect an individual's personal information without their knowledge or consent for the purpose of making a disclosure under subsection (1).

Use

(3) An organization may use an individual's personal information without their knowledge or consent if it was collected under subsection (2).

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Initiative of organization — national security, defence or international affairs

48 (1) An organization may on its own initiative disclose an individual's personal information without their knowledge or consent to a government institution or a part of a government institution ***if the organization suspects that the information relates to national security, the defence of Canada or the conduct of international affairs.***

Collection

(2) An organization may collect an individual's personal information without their knowledge or consent for the purpose of making a disclosure under subsection (1).

Use

(3) An organization may use an individual's personal information without their knowledge or consent if it was collected under subsection (2).

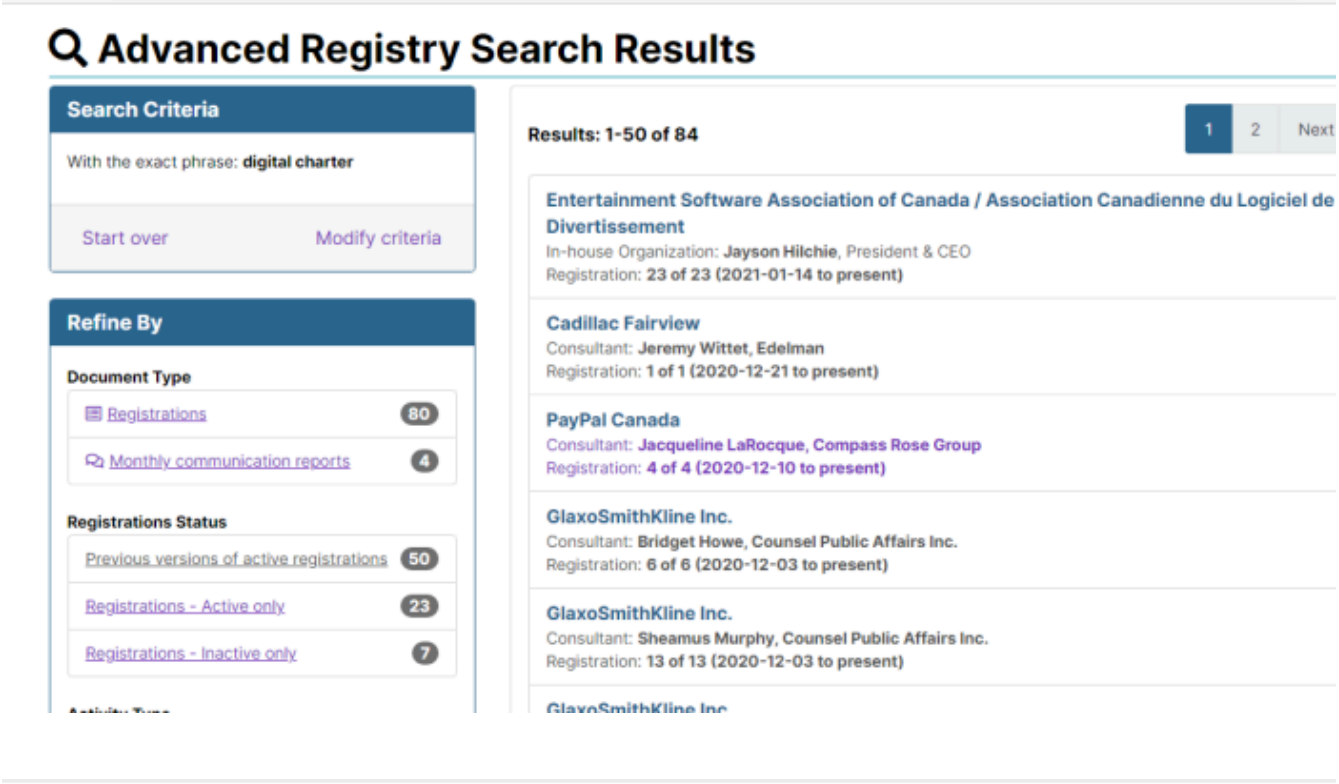
The Government may collect personal information without your knowledge or consent if it believes (or claims to believe), that it's done for a legitimate purpose, or may help with the investigation of Government affairs.

Furthermore, institutions can, on their own free will, simply choose to hand over personal information without knowledge or consent. All that is required is a vague standard that they believe a crime has been, or is about to be committed.

Getting back to the topic of the Christchurch Call: the original purpose of the proposed Digital Charter was to combat online extremism, before violence broke out. Under this Bill, can Governments simply seize data, or can companies just provide it on a whim? Could having incorrect opinions be viewed as a public security risk?

Could telling the truth about the Covid-19 hoax be grounds for detaining or de-platforming people, under the guise of "public health and safety"?

Lobbying Registry Search: "Digital Charter"



Advanced Registry Search Results

Search Criteria

With the exact phrase: **digital charter**

Start over Modify criteria

Refine By

Document Type

Registrations 80

Monthly communication reports 4

Registrations Status

Previous versions of active registrations 50

Registrations - Active only 23

Registrations - Inactive only 7

Results: 1-50 of 84 1 2 Next

Entertainment Software Association of Canada / Association Canadienne du Logiciel de Divertissement
In-house Organization: **Jayson Hilchie**, President & CEO
Registration: **23 of 23 (2021-01-14 to present)**

Cadillac Fairview
Consultant: **Jeremy Wittet, Edelman**
Registration: **1 of 1 (2020-12-21 to present)**

PayPal Canada
Consultant: **Jacqueline LaRocque, Compass Rose Group**
Registration: **4 of 4 (2020-12-10 to present)**

GlaxoSmithKline Inc.
Consultant: **Bridget Howe, Counsel Public Affairs Inc.**
Registration: **6 of 6 (2020-12-03 to present)**

GlaxoSmithKline Inc.
Consultant: **Sheamus Murphy, Counsel Public Affairs Inc.**
Registration: **13 of 13 (2020-12-03 to present)**

Monthly Communication Report

Return to Advanced Registry Search Results

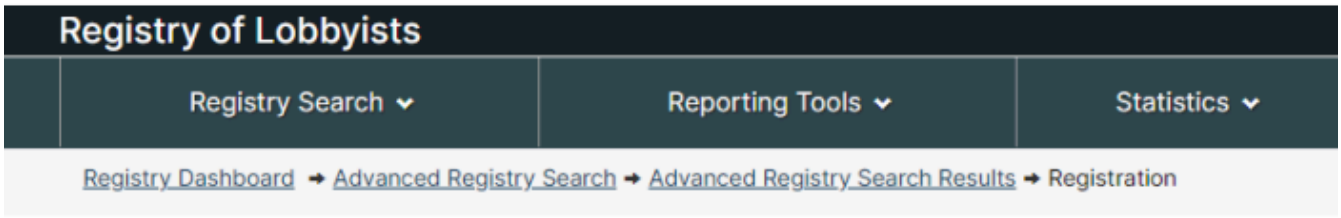
362251-492884

Corporation:	**Facebook Canada Ltd.**
Associated registration:	938437-362251-10
Communication date:	2020-12-17
Posted date:	2021-01-15
Designated Public Office Holders who participated in the communication:	**Raphaël Jacobi-Harris**, Policy Advisor, Minister's Office Canadian Heritage (PCH) **Caroline Bourbonnière**, Head of Appointments and Senior Policy Advisor on Canada's D Minister's Office Canadian Heritage (PCH)

15)
on Details
Lobbyists Details
Subject Matter Details
Legislative Proposal, Bill or Resolution
Engagement with government on legislation impacting online digital platforms. Facebook's engagement with government is often at the government's own request.
Engagement with government on taxation matters, including proposed digital services tax.
Policies or Program
Engagement with government on policies and programs impacting online digital platforms and broader policy issues. Facebook's engagement with government is often at the government's own request.

Entering "Digital Charter" into the Lobbing Registry website flags 84 hits: 80 registrations, and 4 communications reports. Let's take a look into that.

The 4 communications were with Facebook Canada, and took place between April 15, 2020, and December 17, 2020. They involved: Facebook, the Prime Minister's Office and the Policy Advisor on Canada's Digital Charter.


Registry of Lobbyists
Registry Search
Reporting Tools
Statistics
Registry Dashboard → Advanced Registry Search → Advanced Registry Search Results → Registration

Small aside: Official Opposition Leader, Erin O'Toole. was a lobbyist for Facebook when he worked for the law firm, Heenan Blaikie. Could explain why he's silent on this issue.

More "Digital Charter" In Lobbying Registry

Registration - In-house Corporation
MasterCard Canada, ULC. / Sasha Krstic, President
Registration Information
In-house Corporation name: MasterCard Canada, ULC.
Previous in-house corporation names
Responsible Officer Name: Sasha Krstic, President
Responsible Officer Change History
Initial registration start date: 2009-04-27
Registration status: Active
Registration Number: 944431-242122

Registration - In-house Corporation

Visa Canada Corporation / Corporation Visa Canada / Stacey Manager, Visa Canada Corporation

Registration Information

In-house Corporation name: **Visa Canada Corporation / Corporation Visa Canada**
Responsible Officer Name: **Stacey Madge, President and Country Manager, Visa Canada Corporation**
Responsible Officer Change History
Initial registration start date: **2008-08-01**
Registration status: **Active**
Registration Number: **932190-223701**

Registration - In-house Corporation

Trans Union of Canada, Inc. / Todd Skinner, President

Registration Information

In-house Corporation name: **Trans Union of Canada, Inc.**
Responsible Officer Name: **Todd Skinner, President and CEO**
Initial registration start date: **2019-10-28**
Registration status: **Active**
Registration Number: **944813-365402**

Registration - In-house Corporation
Amex Bank of Canada / Banque Amex du Canada / Lisa Kalha
Executive Officer
Registration Information
In-house Corporation name: Amex Bank of Canada / Banque Amex du Canada
Responsible Officer Name: Lisa Kalhans, President and Chief Executive Officer
Responsible Officer Change History
Initial registration start date: 2009-03-25
Registration status: Active
Registration Number: 945003-238781

Want to do banking of rely on credit for your business or personal life? It may become much harder if these institutions refuse to associate with you, for whatever reason.

GlaxoSmithKline, "Digital Charter" Lobbying

Registration - Consultant

GlaxoSmithKline Inc. / Bridget Howe, Consultant

Registration Information

Client name: **GlaxoSmithKline Inc.**
Lobbyist name: **Bridget Howe, Consultant**
Initial registration start date: **2020-01-22**
Registration status: **Active**
Registration Number: **945230-365770**

Subject Matter Details

Legislative Proposal, Bill or Resolution

- Participation in consultations regarding the Digital Charter and the federal government's plans to overhaul Canada's privacy regime, to enable the use of anonymized health data for new medication research and development.
- Raise awareness regarding the potential risks to drug and vaccine supply for Canadian patients arising from new U.S. state-level reimportation legislation.

Policies or Program

- Antimicrobial Resistance (AMR) - Identification of the need for a multi-sectoral stakeholder working group to pursue joint goals under a Pan-Canadian AMR strategy and to strengthen Canada's end-to-end research capacity in AMR.
- Engagement with government officials on disruptions to business, health & safety requirements, and opportunities to help with the COVID-19 pandemic.
- Ensure the National Advisory Committee on Immunization has sufficient resources to undertake timely reviews of new vaccines that are made available to the Canadian marketplace.
- Harmonizing rules for the sampling of natural health products under the proposed Canada-United States-Mexico trade agreement.
- Input on the work of the Advisory Committee on the Implementation of National Pharmacare, specifically as it relates to access to medicines.
- Renewal of national vaccine strategy to close gaps in vaccination coverage for Canadians, especially among seniors.
- Sharing information with government and Members of Parliament on different models for national pharmacare, specifically as it relates to access to medicines.

Seems pretty strange that GSK (GlaxoSmithKline), is involved in discussions concerning the Digital Charter. On the surface, it also looks like a conflict of interest.

What's Really Going On Here?

The idea of a "Digital Charter" was shoved onto the Canadian public, under the pretense that it would be used to stop violent and unstable people from committing serious crimes. Instead, it seems like an open invitation to throw out privacy protections altogether.

It's quite stunning the reasons and ways that personal information can be shared "without knowledge or consent" of the people involved. Far from ensuring privacy protections, it codifies the right to share others' data. The reasons for doing so are also (intentionally?) defined in very vague ways. This ensures that loopholes will always exist.

The Christchurch Call
Fact Sheet: Digital Charter Implementation Act
https://archive.is/0QioZ
Bill C-10: CRTC Amending Broadcast Act
Bill C-11 Introduced As HoC Legislation (November 2020)
Office Of The Lobbying Commissioner Of Canada
Mastercard's Lobbying Information
Visa Canada's Lobbying Information
American Express Canada's Lobbying Information
PayPal's Lobbying Information
GlaxoSmithKline's Lobbying Information

CANADA, CANADIAN BILLS, FREE SPEECH, GLOBALISM, GUN RIGHTS, DISARMAMENT, ISLAM, MEDIA, PRIVACY, SOCIAL MEDIA